

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 PM-05 NSC-05 SP-02 SS-15 L-03

CIAE-00 INR-07 NSAE-00 OPR-02 OMB-01 TRSE-00 EB-08

LAB-04 SIL-01 HEW-04 MED-02 OES-07 /079 W

-----090468 131345Z /50

P R 131033Z OCT 77

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 6507

INFO SECDEF

JCS

CINCPAC

CINCPACREPPHIL

13TH AF CLARK AB

C O N F I D E N T I A L SECTION 1 OF 2 MANILA 16329

E.O. 11652: GDS

TAGS: MARR, RP, US

SUBJECT: THIRD MEETING OF US-RP TASK FORCE

REF: (A) MANILA 15152; (B) MANILA 15525; (C) MANILA 15941

1. SUMMARY: TASK FORCE MET IN THIRD SESSION OCTOBER 12 AT DFA. DRAFT DECREE ON TRESPASSING WAS APPROVED AND JUSTICE WILL PASS IT TO MARCOS FOR SIGNATURE. WE BRIEFED ON BLACK-MARKETING, STRESSING NEED FOR GOP TO CONTROL OFF-BASE OUTLETS (PRESIDENTIAL DECREE SAID TO BE IN PROCESS). WE COMMENTED ON GOP CUSTOMS PROPOSALS AND ARRANGED TO PURSUE TECHNICAL ASPECTS IN WORKING COMMITTEE HEADED BY RADM KILCLINE AND CUSTOMS COMMISSIONER FAROLAN, AND SUPPORTED AS APPROPRIATE BY PERSONS FROM MDB. WE ALSO RECEIVED ADDITIONAL GOP PROPOSALS CONCERNING CUSTOMS, LABOR, IMMIGRATION, AND ANIMAL AND PLANT QUARANTINE CONTROL. WE WERE ASSURED RE MDB AD HOC COMMITTEE ON PERIMETER SECURITY THAT INSTRUCTIONS HAD BEEN SENT TO AFP PANEL TO BEGIN WORK. NEXT MEETING SCHEDULED FOR OCTOBER 19 AT CHANCERY. END SUMMARY.

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2. PRESIDENTIAL DECREE ON TRESPASSING. FINAL DRAFT OF THE PROPOSED PRESIDENTIAL DECREE ON TRESPASSING, AS SLIGHTLY MODIFIED BY UNDERSECRETARY MACARAIG, WAS APPROVED AND MACARAIG SAID IT WOULD BE SENT TO MARCOS FOR SIGNATURE.

3. BLACKMARKETING. MACARAIG CONFIRMED REPORTS THAT MARCOS

INTENDS TO ISSUE DECREE EFFECTIVE NOVEMBER 1 EMPOWERING PHILIPPINE AUTHORITIES TO SEIZE UNTAXED BX GOODS FOUND OFF BASE. PROVOST MARSHAL COL TUOHEY OF SUBIC PRESENTED 15-MINUTE BRIEFING ON BLACKMARKETING.

4. CUSTOMS. FAROLAN INTRODUCED BRIEF PAPER PROPOSING (A) CIVILIAN OR MILITARY OFFICIALS AND EMPLOYEES OF THE PHILIPPINE GOVERNMENT BE EXCLUDED FROM U.S. COMMISSARY AND BX, AND (B) MERCHANDISE CONTROL OFFICERS NOT BE ALLOWED TO EXTEND EXCHANGE AND COMMISSARY PRIVILEGES TO PERSONS NOT SPECIFICALLY COVERED BY THE CINCPACREPPHIL INSTRUCTION UNLESS TAX EXEMPT STATUS CERTIFIED BY DEPARTMENT OF FINANCE. MACARAIGN EXPLAINED THAT LATTER PROPOSAL DESIGNED TO PRECLUDE PRIVILEGES TO PEOPLE LIKE TAUS AND HIEZO, WORLD AIRWAYS EMPLOYEES RECENTLY ACQUITTED OF SMUGGLING DESPITE OVERWHELMING EVIDENCE OF GUILT. ACCORDING MACARAIG, ACQUITTAL WAS BASED ON TESTIMONY OF CLARK MERCHANDISE CONTROL REP THAT DEFENDANTS WERE "TAX EXEMPT" CONTRACTOR EMPLOYEES OF MAC CHARTER CARRIER. CHARGE POINTED OUT THAT TESTIMONY INACCURATE, MERCHANDISE CONTROL OFFICE HAD NOT AUTHORIZED IMPORTS IN QUESTION, AND CITY FISCAL HAD BEEN SO INFORMED. MACARAIG EXPRESSED INTEREST IN BEING ABLE TO INFORM CRITICS OF RP WAIVER OF ESTAFA/BLACKMARKETING CASES THAT SERVICEMEN APPROPRIATELY PUNISHED. WE CONFIRMED COMMITMENT TO REPORT DISPOSITION OF WAIVER AND OTHER CONCURRENT JURISDICTION CASES AND PRESENTED RETROACTIVE REPORT FOR 1977. MGENERAL
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POSTON NOTED IT ALSO USEFUL TO KNOW WHAT PUNISHMENT WAS IMPOSED UPON PHILIPPINE PARTICIPANT IN BLACKMARKETING CASES. PHIL PANEL INDICATED THERE WAS A GAP IN PHIL LAW WHICH NEEDED PLUGGING BEFORE PROSECUTION COULD BE SUCCESSFUL. THE DESIRABILIT OF A PRESIDENTIAL DECREE WAS BROACHED.

5. KILCLINE REFERRED TO APPENDIX A OF APRIL 14, 1969, EXCHANGE OF NOTES ON CUSTOMS REGULATION (TIAS 6752), WHICH FAROLAN HAD SUGGESTED WAS NOT BEING OBSERVED, AND BRIEFLY REVIEWED PROCEDURES WHICH SUBIC FOLLOWS TO IMPLEMENT THOSE AGREED PROCEDURES. IT WAS DECIDED THAT A COMMITTEE HEADED BY KILCLINE AND FAROLAN AND TO INCLUDE MDB PERSONNEL, WOULD EXPLORE TECHNICAL ASPECTS OF PHILIPPINE CUSTOMS PROPOSALS. (PHILIPPINE PANEL APPEARS PREPARED TO MOVE AT OUR PACE IN FINDING COMMON GROUND IN THIS AREA, SO LONG AS WE AVOID APPEARANCE OF DRAGGING OUR HEELS.)

6. THE BUREAU OF PLANT INDUSTRY PRESENTED PROPOSAL FOR ASSIGNMENT OF QUARANTINE OFFICERS AT CLARK AND SUBIC TO INSPECT INCOMING ANIMALS AND PLANTS. DETAILS NOT PROVIDED AND MATTER WAS TAKEN UNDER ADVISEMENT.

7. LABOR UNDERSECRETARY INCIONG PRESENTED PAPER NOTING "INDISCRIMINATE, UNNECESSARY BODY SEARCHES OF FILIPINO WORKERS." HE ALLEGED THAT THE UNION PRESIDENT HAD BEEN RECENTLY SUBJECTED TO SUCH A SEARCH. WE REPLIED THAT THE OCAMPO WAS NOT SUBJECTED TO BODY SEARCH, HIS CAR WAS ALONG WITH EVERY OTHER CAR PASSING THROUGH THE GATE, AND THE CAR DID IN FACT CONTAIN CONTRABAND. POSTON NOTED THAT HIS OWN CAR IS REGULARLY SEARCHED. IT WAS AGREED THAT SEARCHES WERE NECESSARY BUT SHOULD BE DONE IN RESTRAINED FASHION.

8. OTHER PROPOSALS IN INCIONG PAPER WERE THAT:

A. BARRACK BOYS, BAGBOYS, PERSONAL HIRES, "SOCIAL
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ENTERTAINERS" AND OTHER SIMILAR CATEGORIES BE COVERED BY THE
BASE LABOR AGREEMENT OR IN THE ALTERNATIVE BY EITHER PHIL
OR U.S. LABOR LAWS.

B. CAUTIONARY INSTRUCTIONS BE ISSUED TO BASE COMMANDERS
AGAINST INDISCRIMINATE REVERSAL OF UNANIMOUS AND MAJORITY
LABOR AWARDS. REVERSALS SHOULD BE JUSTIFIED IN WRITING AND
SUBJECT TO REVIEW BY THE RP-US JOINT COMMITTEE.

C. AGENCY FEE PROVISIONS OF THE LABOR CODE BE IMMEDI-
ATELY IMPLEMENTED WITH RESPECT TO BASE EMPLOYEES WHO ARE
WITHIN COLLECTIVE BARGAINING UNIT BUT NOT MEMBERS OF UNION.

D. PRACTICE OF CONTRACTING FOR SERVICES TO SAVE MONEY
WHICH HAS AN ADVERSE EFFECT ON DIRECT HIRE EMPLOYEES BE

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ACTION EA-12

INFO OCT-01 ISO-00 PM-05 NSC-05 SP-02 SS-15 L-03
CIAE-00 INR-07 NSAE-00 OPR-02 OMB-01 TRSE-00 EB-08
LAB-04 SIL-01 HEW-04 MED-02 OES-07 /079 W
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P R 121033Z OCT 77
FM AMEMBASSY MANILA
TO SECSTATE WASHDC PRIORITY 6508

INFO SECDEF WASHDC
JCS WASHDC
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C O N F I D E N T I A L SECTION 2 OF 2 MANILA 16329

STOPPED.

E. PRINCIPLE OF EQUAL PAY FOR EQUAL WORK BE STRICTLY
OBSERVED.

F. ALL BASE EMPLOYEES BE PLACED UNDER MEDICARE ON TOP
OF EXISTING MEDICAL BENEFITS.

G. IMPLEMENTATION OF PREFERENTIAL EMPLOYMENT CLAUSE OF
BASE LABOR AGREEMENT BE COMPLETED.

H. MEDICAL EXPENSES OF CLARK EMPLOYEES TREATED BY DR.
TARUC'S FCEA HOSPITAL BE REIMBURSED FROM DECEMBER 1976 TO
PRESENT.

I. 60 PESO EMERGENCY COST-OF-LIVING ALLOWANCE BE PAID TO
ALL EMPLOYEES RECEIVING NOT MORE THAN 600 PESOS FROM MAY 1
TO OCTOBER 1, 1977.

J. SICK LEAVE BE PAID UPON TERMINATION.
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K. 200 PESO BONUS PROVIDED FOR IN 1968 BASE LABOR
AGREEMENT BE ADJUSTED FOR INFLATION.

9. IMMIGRATION. A LENGTHY IMMIGRATION PAPER WAS PRESENTED
PROVIDING FOR ASSIGNMENT OF IMMIGRATION OFFICERS TO CLARK
AND SUBIC TO ENFORCE PHIL IMMIGRATION LAWS. AFTER COMPRE-
HENSIVE LISTING OF "CRAFTS SUBJECT TO IMMIGRATION INSPECTION
ARRIVAL," INCLUDING MILITARY AND CIVILIAN, PAPER PROVIDES
THE FOLLOWING EXEMPTION FROM EXAMINATION BY IMMIGRATION
AUTHORITIES:

A. MILITARY CREW MEMBERS OF MILITARY CRAFT ARRIVING
AND LEAVING WITH CRAFT.

B. US MILITARY PERSONNEL ASSIGNED ON A TOUR OF DUTY IN THE
BASES.

C. US MILITARY, CIVILIAN AND CONTRACT EMPLOYEES AND
DEPENDENTS OF FOREGOING PROVIDED THEY LEAVE WITHIN 72 HOURS

AND ARE CONFINED TO BASE.

PAPER ADDRESSES PROCEDURE FOR BASES TO NOTIFY IMMIGRATION OF AIRCRAFT ARRIVAL AND COMPENSATION FOR IMMIGRATION OFFICERS FOR OVERTIME WORK PRESUMABLY TO BE PAID BY THE U.S. PAPER CONCLUDES WITH U.S. LOGISTIC SUPPORT TO BE PROVIDED, INCLUDING OFFICE SPACE, TELEPHONE, AND PASSES, "AS WELL AS FREEDOM FROM UNNECESSARY SEARCHES, DELAY OR OTHER RESTRICTION TO FREE ENTRY INTO AND DEPARTURE FROM BASE."

10. MUTUAL DEFENSE BOARD. WE EXPRESSED CONCERN THAT PHIL PANEL OF MDB AD HOC COMMITTEE EVIDENTLY HAS NOT RECEIVED TERMS
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OF REFERENCE FOR WORK ON PERIMETER SECURITY PROPOSAL. MACARAIG SAID INGLES HAD OFFICIALLY INSTRUCTED AFP PANEL TO MEET WITH THEIR U.S. MILITARY COUNTERPARTS ON PROJECT. MORE BROADLY, PHIL PANEL CONTENDED THAT ISSUES NOT INVOLVING STRICTLY MILITARY MATTERS SHOULD BE HANDLED BY TASK FORCE OR BY ITS SUBCOMMITTEES. WE COUNTERED THAT MDB WAS AN ESTABLISHED MECHANISM AND SHOULD BE USED TO EXTENT POSSIBLE. UPON THE URGING OF INGLES AND MACARAIG, WE AGREED THAT THE SPECIAL WORKING COMMITTEE ON CUSTOMS (PARA 5 ABOVE) SHOULD PROVIDE USEFUL PROCEDURAL EXPERIENCE.

11. COMMENT: MOST PROPOSALS SO FAR HAVE BEEN TABLED BY THE RP. WE ARE MILDLY ENCOURAGED BY THE POSITIVE ATMOSPHERE AND APPARENT PROGRESS IN SEVERAL MATTERS IN WHICH WE HAVE INTEREST. THE PROSPECT OF A DECREE ON TRESPASSING, DISCUSSED WITHOUT RESULT AT LEAST SINCE 1969, IS A STEP IN THE RIGHT DIRECTION. ALSO, INSTRUCTION ON CONFISCATION OF BLACKMARKET PX GOODS IN OFF-BASE STORES HAS BEEN URGED BY US WITHOUT EFFECT FOR YEARS. ALSO INGLES ADVISES THAT RP HAS CONCEDED THAT THE TRAVEL TAX, WHICH CHARGE RAISED AT SECOND JTF MEETING, WOULD NOT BE APPLIED TO PUBLICLY-FUNDED TRAVEL, INCLUDING PHILIPPINE DEPENDENTS DEPARTING CLARK AND HERETOFORE REQUIRED TO PAY. AND THE U.S. POSITION ON AERO CLUB OPERATIONS, ALSO RAISED AT THE SECOND MEETING, WAS FAVORABLY RECEIVED AT SUBSEQUENT MDB LEGAL AFFAIRS COMMITTEE MEETING. IN SHORT, THE PHILS HAVE DUSTED OFF A LOT OF LONG-STANDING REQUESTS, BUT WE REMAIN IN A POSITION TO PICK AND CHOOSE AS WELL AS TO INTRODUCE OUR OWN REQUESTS BEFORE A FOREIGN AFFAIRS/ DEFENSE/JUSTICE BODY ON THE GOP SIDE THAT MAY HAVE ENOUGH CLOUT TO ACCOMPLISH SOMETHING.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PERSONNEL, LABOR, MEETING REPORTS, QUARANTINE REGULATIONS, MILITARY BASES, BLACK MARKETS
Control Number: n/a
Copy: SINGLE
Sent Date: 13-Oct-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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SAS ID: 935464
Secure: OPEN
Status: NATIVE
Subject: THIRD MEETING OF US-RP TASK FORCE
TAGS: MARR, RP, US
To: STATE
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